

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

PHILIP KARTER, et al.,

Plaintiffs,

vs.

SUNVEST COMMUNITIES USA, LLC, et al.,

Defendants.

Case No. 2:08-cv-00746-JCM-PAL

ORDER

(Mtn to Withdraw - Dkt. #129)

This matter is before the court on a Motion to Withdraw (Dkt. #129) filed May 17, 2012. Avece M. Higbee and Erik W. Fox seek to withdraw as counsel of record for Plaintiffs Philip Karter, Rhonda Karter, Lawrence S. Feldman, Spencer Kornfeld, Lynda Kornfeld, Marie Francois, Romiche Francois, Ana Mesa, Eric Radzwill, Stanley Falzone, Leslie Nina, Jennifer Nina, Chris Palermo, Heather Palermo, Maria L. Rodriguez, Max Rodriguez, Robinson St. Victor, Ruben Rodriguez, Francisco Tamargo, Jessica Tamargo, Leandro Volosin, Jose Perdomo, Samuel Nezwadowitz, Jose Tomargo, Jr., Kristen Tamargo, Carlos Fernandez, Kimberly Stiles, William Stiles, Todd Phillips, Robert Liu, Cecilia Lau, Marcelino J. Vasquez, Carol Blatt, Kevin Stern, Richard Weiss, Nir Avraham, Larry D. Castleberry, Herbert Weiss, and Micheline Weiss ("Plaintiffs"). The Motion represents that Plaintiffs have failed to pay for legal services. Additionally, they have retained new counsel, Mr. Brent Carson. Local Rule IA 10-6 provides that "no withdrawal . . . shall be approved if delay of discovery, the trial or any hearing in the case would result." A substitution of counsel has not been filed, and Mr Carson has not entered an appearance in this case.

This case was removed to this court on June 9, 2008. On November 25, 2008, the undersigned entered an Order (Dkt. #58) staying this case and referring Plaintiffs' claims against Defendants Sunvest Communities USA, LLC, and Desert Shores Holdings, LLC, to arbitration. Plaintiffs filed a

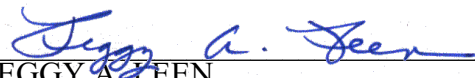
1 Status Report (Dkt. #110) on March 14, 2012, stating their intention to abandon their claims against the
2 now-defunct Arbitration Defendants and continue this litigation against the remaining Defendants in
3 this forum. *See also* Plaintiffs' Motion to Lift Stay (Dkt. #114), which is pending before the district
4 judge; Defendants' Response to Order (Dkt. #109).

5 Having reviewed and considered the matter, and for good cause shown,

6 **IT IS ORDERED:**

- 7 1. The Motion to Withdraw as Counsel for Plaintiffs (Dkt. #129) is GRANTED.
- 8 2. Plaintiffs shall have until June 6, 2012 to retain substitute counsel who shall make an
9 appearance in this action in compliance with the Local Rules of Practice, or file a
10 statement with the court that they will be appearing pro se..

11 Dated this 23rd day of May, 2012.

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14 PEGGY A. LEEN
15 UNITED STATES MAGISTRATE JUDGE
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